



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,019	05/31/2001	Gerald Keith Sosalla	16214A	8208

7590 10/17/2002

Michael J. Bendel  
Kimberly-Clark Worldwide, Inc.  
Patent Department  
401 North Lake Street  
Neenah, WI 54956

EXAMINER

TRAN, LOUIS B

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/871,019

Applicant(s)

SOSALLA, GERALD KEITH

Examiner

Louis B Tran

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-9 and 18-23 in Paper No. 7 is acknowledged.

Claims 10-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7, received on 09/25/2002.

### ***Drawings***

2. The drawings are objected to because the sectional details (such as A-A etc.) are not roman or Arabic numerals as required by MPEP. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because pages 9 and 22 reference an application that is missing the serial number. Currently, the specification indicates "application \_\_\_\_". Correction is required. See MPEP § 608.01(b).

Furthermore, all references to attorney docket numbers should be changed to application serial numbers.

Also, references to section details (such as A-A) should be changed to roman or Arabic numerals as indicated by MPEP.

Art Unit: 3721

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Double Patenting***

4. Claims 1, 7, and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 and 11 of copending Application No. 09/ 871,020. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 11 of copending application 09/ 871,020 claims a stack of fan folded material substantially similar to the instant application as well as a dispenser.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (6,286,712) in view of Mertens (4,768,810).

Art Unit: 3721

Craig et al. discloses the invention substantially as claimed including a stack of fan folded material, each clip comprising a plurality of fan folded sheets, and each clip joined to an adjacent clip by a last sheet of one clip being separably joined to a first sheet of a succeeding clip (as in claim 1), wherein a plurality of fan folded sheets comprise fold lines formed in a machine direction of the sheets (as in claim 4), wherein separably joined comprises adhesively joined (as in claim 5), wherein a liquid is in combination with the stack of fan folded material (as in claim 6) as discussed in column 1, line 21, but does not show each sheet joined to at least one adjacent sheet by a weakened line (as in claim 1), wherein the weakened line comprises perforations (as in claim 2), wherein the weakened line is formed in a machine direction of the sheets (as in claim 3), the liquid at an add-on rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material (as in claim 6).

However, Mertens teaches the use of each sheet joined to at least one adjacent sheet by a weakened line 12 as seen in Figure 1 (as in claim 1), wherein the weakened line comprises perforations (as in claim 2), wherein the weakened line is formed in a machine direction of the sheets (as in claim 3) for the purpose of allowing individual sheets of uniform size to be torn evenly as discussed in column 2, line 42.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Craig et al. with perforation in order to easily tear individual sheets evenly.

With respect to claim 6, Craig et al. discloses the claimed invention except for having the liquid at an add-on rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material . It would have been obvious to one having

Art Unit: 3721

ordinary skill in the art at the time the invention was made to find an optimum range for liquid application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (6,286,712) in view of Mertens (4,768,810).

Craig et al. discloses the invention substantially as claimed including a stack of fan folded material, each clip comprising a plurality of fan folded sheets folded along a machine direction of the sheets; and each clip joined to an adjacent clip by a last sheet of one clip being adhesively joined to a first sheet of a succeeding clip (as in claim 7), but does not show each sheet joined to at least one adjacent sheet by a weakened line formed in the machine direction of the sheets

However, Mertens teaches the use of each sheet joined to at least one adjacent sheet by a weakened line 12 formed in the machine direction of the sheets as seen in Figure 1 (as in claim 7), and wherein the weakened line comprises perforations (as in claim 8) for the purpose of allowing individual sheets of uniform size to be torn evenly as discussed in column 2, line 42.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Craig et al. with a weakened line in order to easily tear individual sheets evenly.

Craig et al. discloses the claimed invention except for having the liquid at an addition rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material (as in claim 9). It would have been obvious to one having ordinary skill in

Art Unit: 3721

the art at the time the invention was made to find an optimum range for liquid application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

8. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (6,286,712) in view of Mertens (4,768,810).

Craig et al. discloses the invention substantially as claimed including a stack of fan folded material, each clip comprising a plurality of fan folded sheets, and each clip joined to an adjacent clip by a sheet of one clip being separably joined to a different sheet of a succeeding clip (as in claim 18), wherein the plurality of fan folded sheets comprise fold lines formed in a machine direction of the sheets (as in claim 21), wherein separably joined comprises adhesively 17,18 joined (as in claim 22) but does not show each sheet joined to at least one adjacent sheet by weakened line.

However, Mertens teaches the use of each sheet joined to at least one adjacent sheet by weakened line 12 as seen in Figure 1 (as in claim 18), and wherein the weakened line comprises perforations as in Figure 1 (as in claim 19), wherein the weakened line is formed in a machine direction of the sheets (as in claim 20), for the purpose of allowing individual sheets of uniform size to be torn evenly as discussed in column 2, line 42.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Craig et al. with a weakened line in order to easily tear individual sheets evenly.

Art Unit: 3721

Craig et al. discloses the claimed invention except for having the liquid at an addition rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material (as in claim 23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to find an optimum range for liquid application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are Pubill, Paley et al., Andreoli et al., and Reynolds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



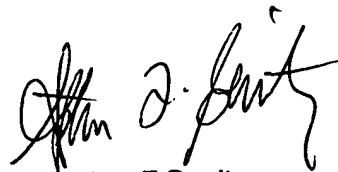
Application/Control Number: 09/871,019

Page 8

Art Unit: 3721

lbt

October 14, 2002

A handwritten signature in black ink, appearing to read "Stephen F. Gerrity", written in a cursive style.

**Stephen F. Gerrity**  
**Primary Examiner**